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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,588	04/03/2001	Mazen Chmaytelli	010042	3724

23696   7590   10/18/2006

QUALCOMM INCORPORATED
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EXAMINER
RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>4-6, 9-11 and 20-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>4-6, 9-11 and 20-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

I.   The Art Unit location of this application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this application

should be directed to Art Unit 2617.

II.   The current office-action is in response to the amendment filed on 08/23/2006.

Accordingly, Claims 1-3, 7-8, 12-19 are cancelled and Claims 4-6, 9-11, 20-25 are

pending for further examination as follows:

Claim Rejections - 35 USC § 102

III.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the invention by the applicant for patent, except
that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes
of this subsection of an application filed in the United States only if the international application designated the
United States and was published under Article 21(2) of such treaty in the English language.

Claims 4-6, 9-11, 20-25 are rejected under 35 U.S.C. 102 (e) as being anticipated by

Chen et al. (US 6496979).

As per claims 4, 25, Chen teaches:

A method for a wireless device capable of communicating over a wireless network and having operating software for supporting a computer platform on said wireless device capable of executing applications (Abstract, Col.12; 61-Col.13; 28), comprising:

Initializing said wireless device for normal communications over the wireless network (Col.13; 51-64)

After said booting-up, automatically receiving a recall command (Please perceive Col.12; lines 39-52, Col.15; 31-51) identifying a specific application available for execution on said computer platform of said wireless device; (Col.14; 49-67) and responsive to said recall command uninstalling said specific application. (Col.14; 49-67)

As per claim 5, Chen teaches:

The method of claim 4, wherein the recall command comprises an identification of said specific application and an instruction for causing said wireless device to delete said specific application. (Col.14; 49-67)

As per claim 6, Chen teaches:

The method of claim 5, wherein the recall command is sent to the wireless device via a short- message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 9, Chen teaches:

The method of claim 5 wherein said step of uninstalling comprises; searching a database on said wireless device using said identification to determine an address range corresponding to said specific application and deleting contents of said address range. (Col.12; 61-Col.13; 28)

As per claim 10, Chen teaches:

A method for a server (12; Fig.1) to cause a recall of a specific application installed on a subset of wireless devices selected from a set of wireless devices, each wireless device in said set capable of communicating over a wireless networks said server capable of communicating over said wireless network (Abstract, Col.12; 61-Col.13; 28) the method comprising:

Maintaining a database for identifying each application installed on each wireless device of said set; (Col.13; 51-64)

Searching said database to identify said subset of wireless devices having said specific application installed; (Col.14; 49-67) and

Sending an application recall command to each wireless device in said subset. (Col.14; 49-67)

As per claims 11, Chen teaches:

The method of claim 10, wherein each recall command comprises an identification of said specific application and an instruction for causing one of said wireless devices from said subset of wireless devices to delete said specific application. (Col.14; 49-67)

As per claim 20, Chen teaches:

The method of claim 11, wherein the recall command is sent to the wireless device via a short message service (SMS) message. (i.e. a message; Col.10; 47-Col.11; 19)

As per claim 21, Chen teaches:

The method of claim 5, wherein each recall command further comprises: a uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

As per claim 22, Chen teaches:

The method of claim 10, wherein each recall command further comprises:

A uninstall application, which when executed by a wireless device, deletes said specific application. (Col.14; 49-67)

As per claim 23, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command uninstalls an application identified in said application recall command. (Col.14; 49-67)

As per claim 24, Chen teaches:

The method of claim 10, wherein each wireless device which receives said application recall command responds to said application recall command by checking-in with a server on

said wireless network to determine whether any installed applications requires uninstallation.
(Col.12; 61-Col.13; 28)

Response to Remarks

IV.   Applicant's arguments filed on 08/23/2006 have been fully considered but they are not

persuasive.

Relating to Claim 10:

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (e.g., the

identification and removal of the applications to be controlled by someone other than the end-

user and need to be uninstalled for a variety of reasons, and these can be monitored and

determined by entities involved with the development and/or issuance of the program and/or

those involved with the function of the wireless network) **are not recited in the rejected**

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

In comeback to Applicant's allegation that **Chen** doesn't teach, "automatically receiving

a recall of a specific application installed on a subset of wireless devices selected from a set of

wireless devices, each wireless device in said set capable of communicating over a wireless

networks said server capable of communicating over said wireless network;" it is noted that the

Examiner respectfully asserts that the cited art, is legally efficient for the purpose of rendering

claim unpatentable. In particular, **Chen** supports the declaration as, the a method of installing a program application on a mobile device includes storing information on the mobile device indicative of the application to be installed, and deleting the information on the mobile device as the application is being installed on the mobile device. (Please perceive Col.12; lines 39-52, Col.15; 31-51), therefore, basically, **Chen** discloses an application program install/delete automatically in a mobile device. At the same time as in support; "the examiner must give the broadest reasonable interpretation to all claims presented." As stated in MPEP § 2111 - § 2111.01. Hence, it is believed that *Chen still teaches the claimed limitations*.

The above arguments also recites for the claims 4, 25, consequently the response is the same explanation as set forth above with regard to claim 10.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, consequently the response is the same explanation as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

V.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870.

The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://portal.uspto.gov/external/portal/pair. Should you have questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free) or _EBC@uspto.gov._

Sharad Rampuria
Patent Examiner
Art Unit 2617

GEORGE ENG
SUPERVISORY PATENT EXAMINER